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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

REPLY BRIEF FOR THE APPELLANTS

Ex parte Jeremy BARRETT, et al.

**SYSTEM AND METHOD FOR MANAGING A PROXY REQUEST OVER A
SECURE NETWORK USING INHERITED SECURITY ATTRIBUTES**

Serial No. 10/748,845

Appeal No.:

Group Art Unit: 2145

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Atty. Docket: 059864.00876

BYC:dlh

Encl: Reply Brief on Appeal



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Appellant:

Jeremy BARRETT, *et al.*

Appeal No.:

Serial Number: 10/748,845

Group Art Unit: 2145

Filed: December 29, 2003

Examiner: Bhatia, Ajay M.

For: SYSTEM AND METHOD FOR MANAGING A PROXY REQUEST OVER A
SECURE NETWORK USING INHERITED SECURITY ATTRIBUTES

REPLY BRIEF

June 2, 2008

I. INTRODUCTION

This Reply Brief is filed in response to the Examiner's Answer mailed April 2, 2008.

In the Examiner's Answer, while no new grounds of rejection were explicitly made, comments and explanations are provided which are tantamount to new points of argument.

This Reply Brief, therefore, is submitted to address these new points of argument, and to clarify why claims 1-28 of the pending application should be considered patentable over Spacey (U.S. Patent Publication No. 2000/0038371), and therefore, should be found by this Honorable Board of Patent Appeals and Interferences to be allowable.

This Reply Brief addresses a few of the deficiencies of the Examiner's Answer. Appellants' Appeal Brief, however, is maintained, and failure to repeat the arguments

contained therein, or to address one or more arguments set forth in the Examiner’s Answer should not be construed as a waiver or an admission. The Appeal Brief speaks for itself, and this Reply Brief merely supplements the Appeal Brief to address certain aspects of the Examiner’s Answer.

II. STATUS OF CLAIMS

Claims 1-28, all of the claims pending in the present application are the subject of this appeal. Claim 1-28 were rejected under 35 U.S.C. §102(b) as being anticipated by Spacey (U.S. Patent Publication No. 2002/0038371) (“Spacey”).

III. APPELLANTS’ ARGUMENTS

Appellants respectfully submit that claims each of pending claims 1-28 recites subject matter that is not taught, disclosed, or suggested by Spacey. Appellants respectfully submit that Spacey fails to disclose or suggest, at least, “a processor, coupled to the transceiver, that is configured to...modify the proxy request to include a security attribute inherent from the secure tunnel; and forward the modified proxy request to a proxy service, wherein the security attribute enables a proxy connection through the secure tunnel” as recited in claim 1, and similarly recited in claims 7, 10, 18, and 27.

In the Examiner’s Answer, the Examiner appeared to take the position that Spacey discloses, in paragraph [0016], a VPN which differs from existing VPN protocols, like L2TP, but still is a VPN. The Examiner’s Answer alleged that use of the VPN is inherently a tunnel (Examiner’s Answer, page 5). Further, the Examiner’s Answer alleged that Spacey discloses, in paragraphs [0122]-[0123], the feature to “modify the proxy request to include a security attribute inherent from the secure tunnel,” asserting that Spacey adds a security attribute to the proxy request in the SSL, therefore anticipating the security attribute (Examiner’s Answer on page 6). Further, the Examiner’s Answer alleged that Spacey discloses, in paragraphs [0016]-[0017], the feature to “forward the modified proxy request to a proxy service, wherein the security attribute enables a proxy connection through the secure tunnel,” asserting the VPN network, which is connected to the proxy client, adds SSL security to the communications disclosed in paragraphs [0122]-[0123] (Examiner’s Answer on page 6). Appellants respectfully submit that the Examiner has failed to consider the claim features and the contents of Spacey in their entirety.

Rather, Spacey discloses a Virtual Private Network (VPN) constructed between two networks and/or machines through an *intermediary*. The method disclosed in Spacey differs from any existing VPN (including AltaVista tunnel, Cisco, PIX, PPP, PPTP, Unix Secure Shell, IPSec, L2F, L2TP) in that communication is via an *intermediary* and in that a proxy client and optional modified router component are preferably required on each network or machine (Spacey, paragraph [0016]).

Further, Spacey discloses that another embodiment provides a method of establishing a VPN between at least two machines, whereby a first machine or component on behalf of the first machine establishes a client-type connection with an intermediary server and a second machine or component on behalf of the second machine establishes a client-type connection with the intermediary server. Each machine may be part of the same or a different private network separated by the *intermediary server* through which they communicate preferably at the network layer allowing for network-to-network machine-to-machine or machine-to-machine VPNs (Spacey, paragraph [0017]).

Further, Spacey discloses that both proxy clients on the networks start-up and register their virtual addresses with the *intermediary server*. This registration is to stop “spoofing” by hackers and is similar to the process presented in the application layer embodiment: (1) Each of the proxy clients opens an outbound Secure Socket Layer (SSL) communication channel with the *intermediary* using the SSL protocol. (2) The two proxy clients *send a ‘request’ for registration to the intermediary*, through the SSL channels. (3) The *intermediary* verifies that the password and username corresponds to the virtual address each proxy client is attempting to register and that the registrations come from a valid host address. (4) Given that each registration is consistent with the virtual address the proxy client is attempting to register, the *intermediary* holds open the proxy client connection ready to pass client requests through. Otherwise, it simply closes the respective proxy client connection to refuse the connection (Spacey, paragraphs [0122]-[0123]).

Claims 1, 7, 10, 18, and 27, on the other hand, recite “a processor, coupled to the transceiver, that is configured to...modify the proxy request to include a security attribute inherent from the secure tunnel; and forward the modified proxy request to a proxy service, wherein the security attribute enables a proxy connection through the secure tunnel” (emphasis added).

Spacey, as discussed above, merely teaches an *intermediary server* of the VPN for verifying the registration request of two proxy clients using a SSL communication channel. If each registration is validated, e.g. the password and username correspond to the virtual address each proxy client is attempting to register and that the registrations come from a valid host address, the *intermediary server* holds open the proxy client connection ready to pass client requests through. Otherwise, it simply closes the respective proxy client connection to refuse the connection. Once the connection is established, the VPN establishes communications between the two proxy clients.

However, Spacey fails to disclose or suggest that the requests of the two proxy clients to the intermediary server are “modified with a security attribute inherent from the secure tunnel”. Contrary to the arguments presented in the Examiner’s Answer, Spacey at paragraphs [0122]-[0123] merely discloses that each proxy client opens an outbound SSL communication channel with the intermediary using the SSL protocol and sends a ‘request’ for registration to the intermediary through the SSL channels. Subsequently, the intermediary verifies the password and username of each proxy client to determine whether

the intermediary should hold open the proxy client connection to pass the client requests through the VPN. Spacey fails to disclose or suggest modifying the two proxy clients' requests, and further fails to disclose or suggest modifying the two proxy clients' requests "with a security attribute inherent from the secure tunnel". Consequently, Spacey fails to disclose or suggest forwarding "the modified proxy request to a proxy service".

The Examiner's Answer concluded that Spacey teaches each and every feature recited in the claims; however, Appellants note that the Examiner's Answer fails to mention and demonstrate that Spacey discloses the feature for "modify the proxy request to include a security attribute inherent from the secure tunnel" (emphasis added). Therefore, Appellants respectfully submit that the Examiner's Answer is incomplete.

Therefore, Appellants respectfully submit that Spacey fails to disclose or suggest, at least, "a processor, coupled to the transceiver, that is configured to...modify the proxy request to include a security attribute inherent from the secure tunnel; and forward the modified proxy request to a proxy service, wherein the security attribute enables a proxy connection through the secure tunnel" as recited in claim 1, and similarly recited in claims 7, 10, 18, and 27.

Claims 2-6 depend from claim 1, and recite additional features. Claims 8-9 depend from claim 7, and recite additional features. Claims 11-17 depend from claim 10, and recite additional features. Claims 19-26 depend from claim 18, and recite additional features. Claim 28 depends from claim 27, and recite additional features. As outlined above, Spacey

fails to disclose or suggest all of the features of claims 1, 7, 10, 18, and 27. Thus, claims 2-6, 8-9, 11-17, 19-26, and 28 are patentable for at least the reasons claims 1, 7, 10, 18, and 27 are patentable, and further, because they recite additional features. Accordingly, it is respectfully requested that these rejections be reversed and claim 1-28 be allowed.

IV. CONCLUSION

As explained above and in the Appeal Brief, each of claims 1-28 recites subject matter which is neither disclosed nor suggested by Spacey. As such, Appellants submit that the final Office Action has failed to establish a *prima facie* case for anticipation. This final rejection being in error, therefore, it is respectfully requested that this Honorable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of all of pending claims 1-28.

In the event that this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees which may be due with respect to this paper may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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